

From: Jay Moran
To: Microsoft ATR
Date: 12/12/01 4:42pm
Subject: Microsoft Settlement

To Whom It May Concern:

I'm writing concerning the proposed settlement with Microsoft.

For the most part, I am ambivalent concerning Microsoft and the antitrust case. Having said that, I have to admit that the settlement is laughable in two very important regards.

First, it displays a lack of ignorance of how Operating Systems and Software Application interoperate.

Second, it imposes no penalties on Microsoft vis-a-vis their business concerns.

As to the first point, telling Microsoft that they have to allow developers access to the Application Program Interfaces (APIs) is no great threat. MicroSoft will force users to use their software development platform. This, by its definition will prevent other OS users from accessing applications that will become platform dependent. It will also limit the types and kinds of advances that can be made, due to the prohibition on knowing what MicroSoft will be doing next with their OS. Presumably, their in-house developers will access to the next generation APIs well before mainstream developers get the opportunity.

Secondly, you're saying MicroSoft can basically proceed as they have all along, with no real change. What you're seeing with Java will be the same going forward. Kodak is already getting squeezed out of the desktop software market. To say that proprietary access is not only okay for certain software, but IS OKAY shows a disconnect between antitrust law basics and reality. It would be like breaking up Standard Oil and saying that have to be able to sell other types of gas and that they can continue to sell gas as long as they use their own pumps. Nothing is going to make them offer other pieces of software (especially if the Federal Government can't get them to do it.)

I have to admit, I stand in awe and wonder how so many otherwise intelligent people could have studied this

issue for so long and come up so short in
demonstrating understanding.
I wonder how many small software operations are going
to be shut down due to this blind abeyance to
MicroSoft?
I wonder if the Department of Justice cares.
Sincerely,

Joseph F. Moran
9 Horseshoe Court
Atco, NJ 08004-2922
856-719-6819

Do You Yahoo!?
Check out Yahoo! Shopping and Yahoo! Auctions for all of
your unique holiday gifts! Buy at <http://shopping.yahoo.com>
or bid at <http://auctions.yahoo.com>